

No.

200400275



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Sakata Seed Corporation*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 U.S.C. 2131-2141, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ZINNIA

'Profusion Apricot'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this nineteenth day of November, in the year two thousand and four.*

Attest:



*Commissioner*  
*Plant Variety Protection Office*  
*Agricultural Marketing Service*

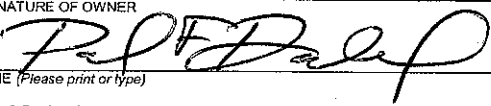
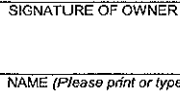
*Secretary of Agriculture*

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| 1. NAME OF OWNER<br><br>Sakata Seed Corporation   |  | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME   |  | 3. VARIETY NAME<br><br>Profusion Apricot   |  |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)<br><br>2-7-1 Nakamachidai<br>Tsuzuki-Ku, Yokohama<br>Japan 224   |  | 5. TELEPHONE (include area code)<br><br>(408) 778-7758  |  | <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>PVPO NUMBER<br/><b>2004 00275</b></p> <p>FILING DATE<br/><b>July 23, 2004</b></p> </div>  |  |
|   |  | 6. FAX (include area code)<br><br>(408) 779-1978  |  |  |  |
| 7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)<br><br>Corporation   |  | 8. IF INCORPORATED, GIVE STATE OF INCORPORATION<br><br>JP   |  |  |  |
| 9. DATE OF INCORPORATION<br><br>December 12, 1942   |  | 10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)<br><br>Paul Rabedeaux<br>Gary Whiteaker<br>Sakata Seed America, Inc.<br>18095 Serene Drive<br>Morgan Hill, CA 95037   |  | <div style="border: 1px solid black; padding: 5px;"> <p>FILING AND EXAMINATION FEES:<br/>\$ <b>3652.00</b></p> <p>DATE <b>7/23/04</b></p> <p>CERTIFICATION FEE:<br/>\$ <b>432.00</b></p> <p>DATE <b>10/13/04</b></p> </div>  |  |
| 11. TELEPHONE (Include area code)<br><br>(408) 778-7758   |  | 12. FAX (Include area code)<br><br>(408) 779-1978   |  | 13. E-MAIL<br><br>prabedeaux@sakata.com  |  |
| 14. CROP KIND (Common Name)<br><br>Zinnia   |  | 16. FAMILY NAME (Botanical)<br><br>Compositae (Asteraceae)  |  | 18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL)<br><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br><br>IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.  |  |
| 15. GENUS AND SPECIES NAME OF CROP<br><br>Zinnia hybrida  |  | 17. IS THE VARIETY A FIRST GENERATION HYBRID?<br><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  |  |  |  |
| 19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)  |  | 20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)<br><br><input type="checkbox"/> YES (if "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (if "no", go to item 23)   |  | 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?<br><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br><br>IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED                                     |  |
| a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety<br>b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness<br>c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety<br>d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional)<br>e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership<br>f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)<br>g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office) |  | 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?<br><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br><br>IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.<br><br><input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED<br>(If additional explanation is necessary, please use the space indicated on the reverse.)   |  | 24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?<br><br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br><br>IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.) |  |
| 23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?<br><br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br><br>IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)   |  | 25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.<br><br>The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.<br><br>Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties. |  |  |  |
| SIGNATURE OF OWNER<br>   |  | SIGNATURE OF OWNER<br>   |  |  |  |
| NAME (Please print or type)<br><br>Paul Rabedeaux   |  | NAME (Please print or type)<br><br>Paul Rabedeaux   |  |  |  |
| CAPACITY OR TITLE<br><br>IPR Coordinator  |  | DATE<br><br>7/22/04   |  | CAPACITY OR TITLE<br><br>IPR Coordinator   |  |
|   |  | DATE<br><br>7/22/04   |  |  |  |

## INSTRUCTIONS

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

## ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
  - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
  - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Date of first sale: USA, 12/15/2003 Japan, 10/30/2003 EU, 1/7/2004

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

Japan PBR: Certificate #16435, granted 12/12/2003

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**Exhibit A**  
**Breeding History of the Variety**

---

In 1998, an off-type of the commercially available *Zinnia hybrida* variety 'Profusion Orange' (PVP certificate number 9800013) was identified in Salinas, California USA. The off-type had a light orange-cream color, compact growth habit, heat tolerance and a strongly branching form.

Cuttings of the off-type were sent to Misato, Japan for further evaluation and development. In Misato, the off-type was self-pollinated to obtain S<sub>1</sub> generation seed. The S<sub>1</sub> generation was named 2K-SA.

In 1999, 2K-SA was self-pollinated to produce an S<sub>2</sub> generation. The S<sub>2</sub> generation was named 2K-SA-1.

In the spring and summer of 2000, 2K-SA-1 was sown in the greenhouse and transplanted into the field in Misato and evaluated for stability and uniformity of traits. In June and August 2000, the stability and uniformity of the new line were confirmed and the new line was named 'Profusion Apricot'.

Since the original breeding was performed, 'Profusion Apricot' has been sexually reproduced and judged stable for at least 5 generations. 'Profusion Apricot' is uniform for all traits as described in Exhibit C. 'Profusion Apricot' shows no variants other than what would normally be expected due to environment.

**Exhibit B**  
**Statement of Distinctness**

---

'Profusion Apricot', to the best of our knowledge, is most similar to the commercially available *Zinnia hybrida* variety 'Profusion Orange'. 'Profusion Apricot' is distinct from 'Profusion Orange' mainly in ray floret color. Colors are referenced to the Color Chart of the Royal Horticultural Society. Colors were assessed in two independent greenhouse trials in Salinas, CA. One trial was performed in from March through May 2004 and the other trial was performed from May through July 2004.

| <b>Zinnia variety</b> | <b>Ray floret color</b>  |
|-----------------------|--|
| Profusion Apricot     | <u>Dorsal side:</u> RHS 19A (yellow-orange)<br><u>Ventral side:</u> 158C (white) with RHS 144B<br>(yellow-green) stripes |
| Profusion Orange      | <u>Dorsal side:</u> RHS 28B (orange) with RHS<br>33A (orange-red) streaks<br><u>Ventral side:</u> 21C (orange)           |

Photographs of the color difference on the dorsal side of the ray florets can be seen in Figures 1 and 2.

Sakata Seed Corporation  
Zinnia 'Profusion Apricot'

**Exhibit B**  
**Statement of Distinctness**

---



**Figure 1.** Comparison of full plants of Zinnia 'Profusion Apricot' (left) with Zinnia 'Profusion Orange' (right). 'Profusion Apricot' has a lighter yellow-orange color than 'Profusion Orange', as detailed in Exhibit B. Colors have been reproduced in the photograph and print as close as possible to actual colors.

**Exhibit B**  
**Statement of Distinctness**

---



**Figure 2.** Comparison of inflorescences and ray florets of 'Profusion Apricot' (right) and 'Profusion Orange' (left). 'Profusion Apricot' has a lighter yellow-orange color than 'Profusion Orange', as detailed in Exhibit B. Colors have been reproduced in the photograph and print as close as possible to actual colors.

UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Zinnia)

OBJECTIVE DESCRIPTION OF VARIETY  
 ZINNIA (ZINNIA SPP.)

INSTRUCTIONS: See Reverse.

|   |   |
|---|---|
| NAME OF APPLICANT(S)<br><b>SAKATA SEED CORPORATION</b>  | FOR OFFICIAL USE ONLY   |
| ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)<br><b>2-7-1 NAKAMACHIDAI<br/>TSUZUKI-KU, YOKOHAMA<br/>JAPAN 224</b> | PVPO NUMBER <b>200400275</b>                                      |
|   | VARIETY NAME OR TEMPORARY DESIGNATION<br><b>Profusion Apricot</b> |

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g., 089 or 09 ) when number is either 99 or less or 9 or less.

## 1. SPECIES:

4 1 = ELEGANS 2 = LINEARIS 3 = HAGGEANA (*angustifolia*) 4 = SPECIES CROSS 2. ANGUSTIFOLIA X  
7. ELEGANS

## 2. PLOIDY:

1 1 = DIPLOID (24) 2 = TETRAPLOID (48) 3 = OTHER (Specify) \_\_\_\_\_

## 3. FLOWER TYPE:

4 1 = BUTTON (*Cherry Buttons, Thumbelina*) 2 = POMPON (*Scarlet Gem, White Gem*) 3 = DAHLIA (*Dream, Exquisite*)  
 4 = CRESTED, SCABIOSA (*Wind Witch*) 5 = CACTUS (*Blaze, Sunny Boy*) 6 = MEXICAN (*Old Mexico*)

## 4. PLANT:

60 DAYS FROM EMERGENCE TO FIRST FLOWER 2 Season: 1 = SHORT, CONCENTRATED FLOWERING 2 = LONG, CONTINUOUS FLOWERING  
08 NO. OF PRIMARY BRANCHES 25 NO. OF SECONDARY BRANCHES 00 NO. OF TERTIARY BRANCHES

## Main Stalk:

05 NO. OF INTERNODES 02 CM. LENGTH OF INTERNODE BETWEEN FIRST & SECOND NODES 06 MM. DIAMETER BETWEEN FIRST & SECOND NODE  
1 Habit: 1 = COMPACT 2 = SPREADING 21 Habit: CM. WIDE 65 25 Habit: CM. HIGH  
3 1 = GLABROUS 2 = SPARSELY PUBESCENT 3 = PUBESCENT

## 5. LEAF:

1 Shape: 1 = LANCEOLATE 2 = OVATE 3 = ELLIPTIC 18 MM. WIDE 70 MM. LONG  
2 Dorsal Surface: 1 = GLABROUS 2 = PUBESCENT 2 Ventral Surface: 1 = GLABROUS 2 = PUBESCENT

## 6. FLOWERS:

07 CM. LENGTH OF CUT FLOWER (from head to first branch) 18 AVERAGE NO. PER PLANT 05 CM. DIAMETER OF HEAD  
2 Stems: 1 = RIGID 2 = FLEXIBLE 2 Stems: 1 = BRITTLE 2 = WIREY  
1 Doubleness: 1 = SINGLE (*one row of rays*) 2 = SEMI-SINGLE (*several rows of rays*)  
 3 = SEMI-DOUBLE (*many rows of rays*) 4 = DOUBLE (*all rays*)

## 7. RAY PETALS:

1 1 = FLAT 2 = TWISTED 3 = CURLED 4 = SHAGGY 5 = QUILLED  
 6 = COMBINATION OR OTHER (Specify) \_\_\_\_\_  
2 Dorsal Surface: } 1 = GLABROUS 2 = PUBESCENT 1 Dorsal Surface: } 1 = DULL 2 = SHINY  
2 Ventral Surface: } 1 Ventral Surface: }

## APICES:

2 1 = ACUTE 2 = OBTUSE 2 1 = ENTIRE 2 = NOTCHED 3 = SPINED

5/15  
 9/22/04

7



## 8. COLOR OF RAYS: (Colors listed below apply to Monocolor and Color Patterns.)

☐

MONOCOLOR

Color Patterns for Bicolor or Multicolor:

|               |                          |                          |           |                          |                          |           |                          |    |                   |                          |                          |         |                          |                          |         |
|---------------|--------------------------|--------------------------|-----------|--------------------------|--------------------------|-----------|--------------------------|----|-------------------|--------------------------|--------------------------|---------|--------------------------|--------------------------|---------|
| Dorsal Side:  | <input type="checkbox"/> | <input type="checkbox"/> | APEX HALF | <input type="checkbox"/> | <input type="checkbox"/> | BASE HALF | <input type="checkbox"/> | 13 | BACK-GROUND COLOR | <input type="checkbox"/> | <input type="checkbox"/> | STREAKS | <input type="checkbox"/> | <input type="checkbox"/> | STRIPES |
| Ventral Side: | <input type="checkbox"/> | <input type="checkbox"/> |           | <input type="checkbox"/> | <input type="checkbox"/> |           | <input type="checkbox"/> | 02 |                   | <input type="checkbox"/> | <input type="checkbox"/> |         | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Dorsal Side:  | <input type="checkbox"/> | <input type="checkbox"/> |           | <input type="checkbox"/> | <input type="checkbox"/> |           | <input type="checkbox"/> |    |                   | <input type="checkbox"/> | <input type="checkbox"/> |         | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Ventral Side: | <input type="checkbox"/> | <input type="checkbox"/> | SPOTS     | <input type="checkbox"/> | <input type="checkbox"/> | BLOTCHES  | <input type="checkbox"/> |    | OTHER (Specify)   | <input type="checkbox"/> | <input type="checkbox"/> |         | <input type="checkbox"/> | <input type="checkbox"/> |         |

01 = WHITE 02 = CREAM

03 = PINK 04 = ROSE 05 = RED

06 = ORANGE 07 = GOLD 08 = BROWN

09 = YELLOW

10 = GREEN

11 = LAVENDER

12 = SCARLET

13 = SALMON

14 = OTHER (Specify)

## 9. DISK FLORETS:

3 1 = ABSENT 2 = PRESENT, COVERED 3 = PRESENT, CONSPICUOUS

2 1 = NOT QUILLED 2 = QUILLED

06 Color: (Choose from colors in No. 9 above)

## 10. ANTHOCYANIN: (1 = Absent, 2 = Present)

1 SEEDLINGS 2 STEMS 1 LEAVES 1 FLOWERS

## 11. SEEDS:

4 Yield: 1 = NONE 2 = POOR 3 = FAIR 4 = GOOD

06 MM. LONG 03 MM. WIDE

1 Color: 1 = TAN 2 = LIGHT BROWN 3 = DARK BROWN

195 250 MG. PER 100 SEEDS

## 12. DRIED RECEPTACLE (After seed removal):

4 Shape: 1 = FLAT 2 = DOME 3 = GLOBE 4 = CONE

1 CM. LENGTH 2 CM. DIAMETER AT BASE

## 13. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

0 POWDERY MILDEW 0 MOSAIC 0 FUSARIUM WILT 0 ALTERNARIA LEAF SPOT

## 14. INDICATE VARIETIES MOST CLOSELY RESEMBLING THAT SUBMITTED:

| CHARACTER    | NAME OF VARIETY    | CHARACTER    | NAME OF VARIETY    |
|--------------|--------------------|--------------|--------------------|
| Flower size  | 'Profusion Orange' | Plant size   | 'Profusion Orange' |
| Flower type  | 'Profusion Orange' | Foliage size | 'Profusion Orange' |
| Flower color | 'Profusion Orange' | Maturity     | 'Profusion Orange' |
| Plant Habit  | 'Profusion Orange' |              |                    |

## REFERENCES:

1. Bodger Seed Company, LTD. The Zinnia and Its Uses. Bul. No. 1 19 pp. 1935.
2. Honeywell, E. R., 1970. The Zinnia. Purdue University Ext Service HO-104.
3. Metcalf, H. N. and J. N. Sharma, Germplasm Resources of the Genus Zinnia L. Econ. Bot. 25:169-181. 1971.
4. Weddle, Charles. The Elegant Zinnia. Nat. Hort. Mag. 24(2): 83-91. 1945.
5. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.

COMMENTS:

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

|  |  |  |
|--|--|--|
| 1. NAME OF APPLICANT(S)<br><br>Sakata Seed Corporation   | 2. TEMPORARY DESIGNATION<br>OR EXPERIMENTAL NUMBER     | 3. VARIETY NAME<br><br>Profusion Apricot         |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)<br><br>2-7-1 Nakamachidai<br>Tsuzuki-Ku, Yokohama<br>Japan 224 | 5. TELEPHONE (Include area code)<br><br>(408) 778-7758 | 6. FAX (Include area code)<br><br>(408) 779-1978 |
| 7. PVPO NUMBER   |  | 200400275  |

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☐ YES ☒ NO  
Japan10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country  
Japan

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country  
Japan

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

'Profusion Apricot' was developed by a breeder under employment by Sakata Seed Corporation.

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.